



### **NATURE OF THE ACTION**

Plaintiff/Counter-Defendant admits that Conn's is seeking a declaratory judgment of non-infringement and invalidity of U.S. Patent No. 5, 965,924 ("the '924 Patent") and U.S. Patent No. 6,784,552 ("the '553 Patent"). Plaintiff/Counter-Defendant denies that Conn's is entitled to a declaratory judgment of non-infringement and invalidity.

### **PARTIES**

1. Plaintiff/Counter-Defendant admits that Conn's Inc. is a Delaware corporation. Plaintiff/Counter-Defendant denies the remaining allegations in paragraph 1 of Conn's Counterclaims.

2. Plaintiff/Counter-Defendant admits that Conn Appliances, Inc. is a Texas corporation. Plaintiff/Counter-Defendant denies the remaining allegations in paragraph 2 of Conn's Counterclaims.

3. Plaintiff/Counter-Defendant admits that it is a corporation certified and authorized to transact business in Texas and that it maintains offices in Plano, Texas.

### **JURISDICTION AND VENUE**

1. Plaintiff/Counter-Defendant admits that this is an action arising under the patent laws of the United States, but otherwise denies the allegations in paragraph 1 of Conn's Counterclaims.

2. Plaintiff/Counter-Defendant admits that this is an action arising under the patent laws of the United States, but otherwise denies the allegations in paragraph 1 of Conn's Counterclaims.

3. Plaintiff/Counter-Defendant admits that it is the assignee of the Patents-in-Suit and that it has standing to sue for infringement of the Patents-in-Suit, including the right to recover damages.

4. Plaintiff/Counter-Defendant admits that a valid and justiciable controversy regarding the Patents-in-Suit exists. Plaintiff/Counter-Defendant further admits that this Court has subject matter jurisdiction over these counterclaims.

5. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 5.

6. Plaintiff/Counter-Defendant admits that venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Plaintiff/Counter-Defendant denies the remaining allegations in paragraph 6 of Conn's Counterclaims.

**FIRST COUNTERCLAIM**  
**(Declaratory Judgment of Non-Infringement of U.S. Patent No. 5,965,924**

1. Plaintiff/Counter-Defendant denies the allegations in paragraph 1 of Conn's Counterclaims.

2. Plaintiff/Counter-Defendant admits that Conn's seeks a judicial determination and declaration of non-infringement with respect to U.S. Patent No. 5,965,924, but otherwise denies the allegations in paragraph 2 of Conn's Counterclaims.

**SECOND COUNTERCLAIM**  
**(Declaratory Judgment of Invalidity of U.S. Patent No. 5,965,924**

1. Plaintiff/Counter-Defendant denies the allegations in paragraph 1 of Conn's Counterclaims.

2. Plaintiff/Counter-Defendant admits that Conn's seeks a judicial determination and declaration of invalidity with respect to U.S. Patent No. 5,965,924, but otherwise denies the allegations in paragraph 2 of Conn's Counterclaims.

**THIRD COUNTERCLAIM**  
**(Declaratory Judgment of Non-Infringement of U.S. Patent No. 6,784,552)**

1. Plaintiff/Counter-Defendant denies the allegations in paragraph 1 of Conn's Counterclaims.

2. Plaintiff/Counter-Defendant admits that Conn's seeks a judicial determination and declaration of non-infringement with respect to U.S. Patent No. 6,784,552 but otherwise denies the allegations in paragraph 2 of Conn's Counterclaims.

**FOURTH COUNTERCLAIM**  
**(Declaratory Judgment of Invalidity of U.S. Patent No. 6,784,552)**

1. Plaintiff/Counter-Defendant denies the allegations in paragraph 1 of Conn's Counterclaims.

2. Plaintiff/Counter-Defendant admits that Conn's seeks a judicial determination and declaration of non-infringement with respect to U.S. Patent No. 6,784,552 but otherwise denies the allegations in paragraph 2 of Conn's Counterclaims.

**RESERVATION OF ADDITIONAL COUNTERCLAIMS**

Plaintiff/Counter-Defendant reserves the right to amend its answers to Conn's Inc. and Conn Appliances, Inc.'s Counterclaims.

**JURY DEMAND**

Plaintiff/Counter-Defendant joins Conn's in its demand for a trial by jury.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff/Counter-Defendant prays for judgment against Defendant/Counter-Plaintiff as follows:

- A. For judgment dismissing the counterclaims with prejudice;
- B. For a declaration that this is an exceptional case, and an award to Plaintiff/Counter-Defendant of its costs and attorneys' fees incurred herein;
- C. An award of the costs of this action; and
- D. That Plaintiff/Counter-Defendant be awarded such other and further relief as the Court may deem just and proper, including all relief requested in Plaintiff's Complaint.

Respectfully submitted,



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**ATTORNEY FOR PLAINTIFF**

**DSS TECHNOLOGY MANAGEMENT, INC.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) and served via the Court's electronic filing system on all counsel who have consented to electronic service on this the 10<sup>th</sup> day of June, 2015.



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**NIX PATTERSON & ROACH, L.L.P.**